

Response to Final Office Action mailed November 30, 2004
U.S. Application No. 09/712,567

Demand For Affidavit

Pursuant to 37 CFR 1.104(d)(2), Applicants demand the examiner provide an affidavit explaining rejection of the aforesaid claims. Grounds for this demand are as follows.

In the Final Office Action, in his "Response to Arguments" made by Applicants in their response to the First Office Action, the examiner repeats verbatim the arguments he offered in the First Office Action, adding no new information and not responding in any way (other than to declare them "not persuasive") to the arguments made by Applicants, including, in summary form:

1. The crux of object-oriented programming is the definition of the particular objects to be used and their interactions. Applicants' claim 1 identifies two types of objects, cell-group objects and connection-group objects, where a cell refers to a volume element in, for example, a reservoir simulator software program. The Lu patent (US 6,375,489) contains almost nothing (column 10, lines 50-65) on the subject of how to define objects or object classes, and what is included has nothing to do with Applicants' object definitions. Lu's Aggregate Object class, Geometry Object class, and Graphics Object class are very different object definitions than Applicants' cell-group objects and connection-group objects.
2. Lu does disclose dividing a volume into discrete cells, fulfilling the same purpose as Applicants' reservoir simulator cells. However, Lu does not define his cells to be objects in the sense of object-oriented programming. Instead, his purpose is to deduce which cells are sufficiently connected to be identified as objects in the sense of geobodies such as a petroleum deposit. This is an entirely different type of object. This appears to be a critical point of confusion in the examiner's comparison of the Lu patent to the present application.
3. It is even clearer that Lu does not disclose Applicants' connection-group objects. The examiner may be confusing references in Lu to cells being connected and hence being

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part of the same object, but here *object* means an actual 3-D body, not the abstract concept of objects for purposes of object-oriented programming.

The preceding arguments are stated in more detail in Applicants' response to the first office action. In his final office action, the examiner merely states that he disagrees with the preceding arguments, and repeats his reasons for rejection as stated in the first office action. He adds that there is no need to address Applicants' arguments about connection-group objects (item 3 above) because that feature is not present in the rejected claims. This is not correct. Quoting from Applicants' claim 1, "... said classes of simulation objects comprising cell-group objects and connection-group objects."

Thus, the examiner offers no explanation for why he disagrees with Applicants' arguments. Applicants are forced to conclude that the examiner's rejection of these arguments is based on undisclosed facts within his personal knowledge. Accordingly, Applicants request an affidavit disclosing such knowledge, and further requests that such affidavit be produced in time for consideration by Applicants before their appeal brief must be filed.

If the examiner wishes to discuss this application with counsel, please contact the undersigned.

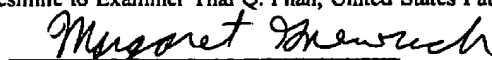
Respectfully submitted,


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I hereby certify that this correspondence is being transmitted via facsimile to Examiner Thai Q. Phan, United States Patent and Trademark Office at (703) 872-9306 on January 10, 2005.


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